

3739

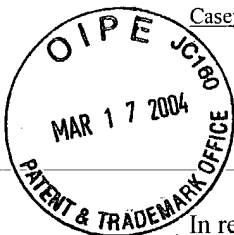
CERTIFICATE OF MAILING

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Casey Hagopian

PATENT

Attorney Docket No. 39238-0747



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

PATENT APPLICATION

Inventor(s): Roger Stern et al.

Art Unit: 3739

Application No.: 10,072,610

Examiner: To Be Assigned

Filed: February 6, 2002

Title Handpiece For Treatment of Tissue

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Mailstop:
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Listed below on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, along with a concise explanation of information in a foreign language, if any, except for pending U.S. applications is attached pursuant to 37 C.F.R. §1.97-1.98.

1.98(d) A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return the PTO-1449 in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$ 0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39238-0747).

Respectfully submitted,

HELLER EHRMAN WHITE & MCAULIFFE LLP

Dated: 3/15/04

By: Paul Davis

Paul Davis, Reg. No. 29,294

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Menlo Park, CA 94025-3506
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Customer No. 25213

INFORMATION DISCLOSURE CITATION

PTO-1449

 ATTY. DOCKET NO.
39238-0747

 APPLICATION NO.
10/072,610

 TITLE:
Handpiece For Treatment of Tissue

 APPLICANT
Stern et al.

 FILING DATE
February 6, 2002

 GROUP
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U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE |
|---------------------|------------|-------|-------------|-------|----------|-------------|
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| EXAMINER'S INITIALS | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|---------------------|------------|-------|---------|-------|----------|-------------|----|
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| | 92/19414 | 11/92 | PCT | | | | |
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| | 31 21 683 | 12/82 | Germany | | | | X |
| | 1 949 534 | 4/70 | Germany | | | | X |
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| EXAMINER | DATE CONSIDERED |

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|---------------------|------------|-------|-------------------|-------|----------|-------------|
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| | | | | | | Yes | No |
| | | | | | | | |

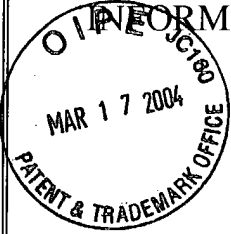
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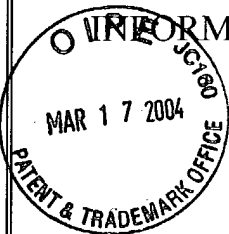
| | | | | | | | |
|--|------------|-------|------------------|---|----------|-------------------------------|----|
|  <p style="margin: 0;">PTO-1449</p> | | | | ATTY. DOCKET NO. 39238-0747 | | APPLICATION NO. 10/072,610 | |
| | | | | TITLE: Handpiece For Treatment of Tissue | | | |
| | | | | APPLICANT Stern et al. | | | |
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| U.S. PATENT DOCUMENTS | | | | | | | |
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| EXAMINER'S INITIALS | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
| | | | | | | Yes | No |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
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|---|--------------|----------|-----------------|---|----------|-------------------------------|----|
|  <p style="margin-top: 10px;">PTO-1449</p> | | | | ATTY. DOCKET NO. 39238-0747 | | APPLICATION NO. 10/072,610 | |
| | | | | TITLE: Handpiece For Treatment of Tissue | | | |
| | | | | APPLICANT Stern et al. | | | |
| | | | | FILING DATE February 6, 2002 | | GROUP 3739 | |
| U.S. PATENT DOCUMENTS | | | | | | | |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
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 APPLICANT
Stem et al.

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|------------------------|------------|-------|-------------|-------|----------|-------------|----|
| | | | | | | Yes | No |
| | 266678 | 12/97 | New Zealand | | | | |
| | 98/03220 | 1/98 | PCT | | | | |
| | 68/03117 | 1/98 | PCT | | | | |
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| | 97/18765 | 5/97 | PCT | | | | |
| | 96/39914 | 12/96 | PCT | | | | |
| | 96/32051 | 10/96 | PCT | | | | |
| | 96/27327 | 9/96 | PCT | | | | |
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| | 94/26228 | 11/94 | PCT | | | | |
| | 93/13816 | 7/93 | PCT | | | | |

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